

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

WP(C).No. 36320 of 2005(W)

PETITIONER:

1. SANTHOSH S., SREEVIHAR,
H.S.ROAD, KOOTTANAD P.O.,
PALAKKAD.
2. AJAYKUMAR A.P., ANTHIALAM PARAMBIL,
THAVANOOR P.O., KUTTIPPURAM, MALAPPURAM.

BY ADV. SRI.P.C.SASIDHARAN
SRI.NISHIL.P.S.

RESPONDENTS:

1. UNIVERSITY OF CALICUT, REPRESENTED BY
ITS REGISTRAR, CALICUT UNIVERSITY P.O.,
THENHIPPALAM, MALAPPURAM.
2. THE VICE CHANCELLOR,
UNIVERSITY OF CALICUT, CALICUT UNIVERSITY,
P.O.THENHIPPALAM, MALAPPURAM.
3. THE SELECTION COMMITTEE CONSTITUTED
FOR SELECTION TO THE POST OF FILED ASSISTANT,
ASSISTANT CURATOR, TECHNICIAN, DEPARTMENT OF
ZOOLOGY, REP. BY ITS CHAIRMAN(VICE CHANCELLOR,
UNIVERSITY OF CALICUT, CALICUT UNIVERSITY POST,
THENHIPPALAM, MALAPPURAM)
4. DR.A.MOHANDAS, RETIRED PROFESSOR,
COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY,
RESIDING AT "LOTUS", 39-907, CARRIER STATION ROAD,
WEST LANE, COCHIN-682 016.

BY ADV. SRI.S.GOPAKUMARAN NAIR
ASOK M.CHERIAN,SC,CALICUT UNIERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1. COPY OF THE NOTIFICATION ISSUED BY THE CALICUT UNIVERSITY, DT. 17.12.04
- EXT.P2. COPY OF THE EXPERIENCE CERTIFICATE ISSUED TO THE 1ST PETITIONER
- EXT.P3. COPY OF THE INTERVIEW MEMO ISSUED TO THE 1ST PETITIONER BY THE UNIVERSITY
- EXT.P4. COPY OF THE INTERVIEW MEMO ISSUED TO THE 2ND PETITIONER BY THE UNIVERSITY
- EXT.P5. COPY OF THE INSTRUCTION ISSUED BY THE P.S.C. TO THE CANDIDATES
- EXT.P6. COPY OF THE RELEVANT PAGE OF THE PROSPECTUS ISSUED BY THE COMMISSIONER FOR ENTRANCE EXAMINATIONS.
- EXT.P7. COPY OF THE QUESTION BOOKLET ISSUED BY THE UNIVERSITY FOR SELECTION TO THE POST OF ASSISTANTS.

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 36320 OF 2005

Dated this the 2nd day of August, 2007

J U D G M E N T

On December 17, 2004, the University of Calicut had issued Ext.P1 notification inviting applications from eligible candidates for selection and appointment to the post of Assistant Curator in the Department of Zoology. Petitioners, who are stated to be Post Graduates in Zoology with M.Phil., had also responded to the notification and put in their applications. A written examination was conducted on December 15, 2005. The duration of the written test was 90 minutes. Petitioners had participated in the written test. It is thereafter that they have preferred this writ petition challenging the manner and mode in which the examination was conducted.

2. It is contended by the petitioners that the written examination was conducted in such a way as to give room for manipulation. One specific ground raised by the petitioners is that the examiner allowed the candidates to tick the correct answers with pencil. This, according to the petitioners, will enable not only the examiner but also anybody else to manipulate the answers in such a way as to give higher marks to any candidate of his choice.

3. The other contention raised by the petitioners is that multiple

choice questions were given in the answer scripts, which was cyclostyled. Petitioners are of the view that the question papers should have been in the form of a booklet and they ought to have been printed. Permission to use pencils is totally wrong; it is contended by petitioners. They further contend that all the Universities and PSC normally allow candidates to use only ball point pens. Yet another contention raised by the petitioners is that respondent No.4 was put in charge of the entire conduct of the examination. This is totally unheard of according to the petitioners.

4. In the counter affidavit it is contended by the respondents that the selection committee of the University had resolved to appoint respondent No.4, who is a retired Professor of high repute. Respondent No.4 was requested by the selection committee to evolve a methodology to conduct the written examination and it was on the basis of the instructions issued by him that the candidates were allowed to use pencil. The answer scripts of the 40 candidates were evaluated by respondent No.4 immediately after the conclusion of the written examination. The marks were tabulated by him then and there and the list containing the marks of the candidates was put in a sealed cover and submitted before the University. The answer booklets and the mark sheets are now in safe custody of the University in the sealed cover.

5. Having heard learned counsel for the parties and having perused the materials available on record; I do not find any merit in the contentions

raised by the petitioners. The integrity of respondent No.4 who is admittedly a retired Professor of repute has not been challenged in this writ petition. Petitioners have also not controverted the averments made by respondent in the counter affidavit that the answer scripts were evaluated by respondent No.4 on the same day itself and he had furnished the marks obtained by the candidates in a sealed cover before the selection committee. Obviously, petitioners might not have performed well in the written examination. After writing the examination, petitioners cannot now turn around and challenge the same. The number of candidates being only 40, there was no necessity to get the question papers printed.

I do not find any material on record warranting interference in this case in exercise of the discretionary jurisdiction under Article 226 of the Constitution.

The writ petition is dismissed.

A.K. BASHEER, JUDGE

vps

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OP NO.20954/00

JUDGMENT

1ST MARCH, 2007